

## REMARKS

In response to a reminder, the Abstract is amended for clarity.

Claim 5 is amended to affirmatively call out the first and second components, and to more particularly point out that the gasket is formed of sheet metal elements, see elements 31 and 32 in Fig. 2 and page 4, lines 21-23. Also, the claim is amended to recite that the sheet metal elements are bonded at the planar region, page 4, lines 24-26; and that the pillow structure defines a gas-filled chamber, page 4, line 26; and is diffusion bonded to the components, page 5, lines 4-7.

### *Claim Rejection under 35 USC § 103*

Claim 5 was rejected under 35 U.S.C. § 102(b) as anticipated by PCT Patent Application Publication WO 01/17048. For purposes of this response, reference is made to United States Patent No. 6,720,103, issued to Nagai in 2004. Claims 6 and 7 were rejected under 35 U.S.C. § 103 as unpatentable over Nagai, either alone or in view of United States Patent Application Publication No. US2004/0150162, by Inagaki et al.

Referring to Figs. 1 and 2, Nagai describes a gasket for a fuel cell that includes gasket sheets 6 and 7 that are formed of polymeric material, col. 4, lines 34 and 49-53. Sheets 6 and 7 enclose a spacer 5a that is formed of stainless steel. Further, Nagai includes gaskets 8 and 9, that are formed of rubber material and contact the adjacent components 2 and 3, col. 4, lines 27-33, and col. 5, lines 4-10. Thus, Nagai uses a

stainless steel spacer to provide spacing between the components and separate rubber gaskets for sealing. In contrast, Applicants' invention comprises a gasket formed of metal sheets. The gasket includes a pillow structure that is a gas-filled chamber within the metal sheets. The metal gasket provides the spacing between the adjacent components. Also, at the elevated temperature experienced during operation, the gas within the chamber expands to reinforce the metal. Nagai uses polymeric sheets and so needs the stainless steel spacer. Still further, in Applicants fuel cell, the metal gasket is bonded to the components to provide sealing, whereas Nagai requires rubber gaskets that are apart from the spacer. Nothing in Nagai contemplates a metal sheet gasket with a gas-filled pillow structure to perform the functions of the spacer and the rubber gaskets. Thus, Nagai does not anticipate or even suggest Applicants' invention.

Claim 5 is directed to Applicants' fuel cell assembly that includes a gasket between first and second components. The gasket is formed of first and second sheet metal elements. Nagai shows a component formed of polymeric sheets. Claim 5 further recites that the gasket includes a pillow structure that is a gas-filled chamber and is diffusion bonded to the components to form a sealed joint therebetween. Nagai encloses a metal spacer within the polymeric sheets, and provides separate rubber gaskets for purposes of sealing. Thus, Nagai does not teach or suggest Applicants' invention in claim 5.

Claims 6 and 7 are dependent upon claim 5 and so not taught or suggested by Nagai at least for the reasons set forth with regard to that claim. The rejection points to

Inagaki et al. to show seal for a fuel cell in a vehicle. However, Inagaki et al. does not show a gasket formed of metal sheets and including a gas-filled pillow structure that is diffusion bonded to the adjacent components. Thus, even if combined with Nagai, the references do not lead the practitioner to Applicants' invention in claim 5, or in dependent claims 6 and 7.

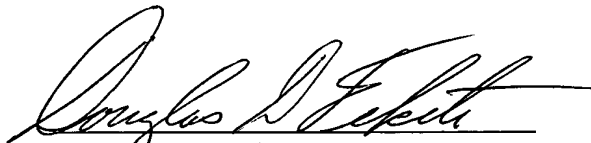
Accordingly, it is respectfully requested that the rejection of the claims based upon Nagai, alone or with Inagaki et al., be reconsidered and withdrawn, and that the claims be allowed.

*Conclusion*

It is believed, in view of the amendments and remarks herein, that all grounds of rejection of the claims have been addressed and overcome, and that all claims are in condition for allowance. If it would further prosecution of the application, the Examiner is urged to contact the undersigned at the phone number provided.

The Commissioner is hereby authorized to charge any fees associated with this communication to Deposit Account No. 50-0831.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas D. Fekete", written over a horizontal line.

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